

House Concurrent Resolution No. 39

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE NASHEED.

5757L.011

2 **WHEREAS**, Public, Educational, and Governmental (PEG) programming channels play
3 a significant informative, educational, and participatory role in our democracy, our nation, and
4 the State of Missouri; and

5 **WHEREAS**, many cable operators are moving PEG Programming out of basic tier
6 channels to digital channels that require an additional fee and a digital converter in order to view
7 programming; and

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9 **WHEREAS**, the elderly, low- and fixed-income, and disabled citizens are being
10 disadvantaged, causing those who can least afford it to miss the government meetings and
11 community programming which is a staple of public access television; and

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13 **WHEREAS**, the movement of these PEG Programming channels will also impose an
14 additional charge on school districts that receive educational programming through PEG
15 channels; and

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17 **WHEREAS**, the movement of these PEG programming channels limits public access
18 by placing an unnecessary barrier to access, with the only apparent purpose of increasing profits
19 of cable operators; and

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21 **WHEREAS**, it is critical to a well-informed and participatory democracy that we assure
22 equal access to PEG channels and preserve service provider funding for PEG channels so that
23 these channels continue to be available to the entire community and serve the citizens of this
24 state and nation in the manner in which they have become accustomed; and

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26 **WHEREAS**, there is currently pending before Congress H.R. 1746, which would
27 establish the Community Access Preservation (CAP) Act; and

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29 **WHEREAS**, the CAP Act would amend the Communications Act of 1934 to provide
30 for carriage and display of PEG channels without additional charges, and via channels with
31 quality, accessibility, functionality, and placement which is consistent with commercial channels;
32 and

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34 **WHEREAS**, the CAP Act would preserve PEG channels and the much needed funding
35 for PEG facilities and operations, and ensure that the channels continue to be available to the
36 entire community; and

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38 **WHEREAS**, the CAP Act would provide important solutions for critical and immediate
39 financial needs of PEG channels and facilities by unrestricting the use of PEG franchise fees for
40 any PEG related purpose; and

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42 **WHEREAS**, the CAP Act would require the Federal Communications Commission
43 (FCC) to submit a report to Congress relative to the impact of state video service franchising
44 laws on PEG cable systems and channels since 2005; and

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46 **WHEREAS**, in states that have enacted state level franchising laws since May 31, 2005,
47 the CAP Act would require each cable operator to continue to provide financial and
48 infrastructure support and channel capacity based on the support historically provided by the
49 cable operator; and

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51 **WHEREAS**, the CAP Act ensures technological neutrality by applying PEG
52 requirements to all landline video service providers, regardless of the transmission protocol:

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54 **NOW, THEREFORE, BE IT RESOLVED** that the members of the House of
55 Representatives of the Ninety-sixth General Assembly, Second Regular Session, the Senate
56 concurring therein, hereby strongly urge the United States Congress to pass the Community
57 Access Preservation Act, H.R. 1746, which amends the Communications Act of 1934 to provide
58 for carriage and display of Public, Educational, and Governmental (PEG) programming channels
59 in a manner consistent with commercial channels; and

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61 **BE IT FURTHER RESOLVED** that the Missouri General Assembly further urges our
62 Missouri Congressional delegation to take all possible actions in support of the rapid passage of
63 H.R. 1746; and

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65 **BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of
66 Representatives be instructed to prepare properly inscribed copies of this resolution for the
67 Majority and Minority Leaders of the United States Senate and United States House of
68 Representatives, and each member of the Missouri Congressional delegation.

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